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European Union
Institute for Security Studies

OCCASIONAL PAPER OCTOBER 2012 99

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European Union Institute for Security Studies

ISBN 978-92-9198-212-7
ISSN 1608-5000
QN-AB-12-099-EN-C
doi:10.2815/30999
Published by the EU Institute for Security Studies and printed in Condé-sur-Noireau (France) by Corlet Imprimeur, graphic design by: Hanno Ranck in cooperation with Metropolis (Lisbon).

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Acknowledgements

The author would like to thank Esra Bulut Aymat for her supervision, support and useful feedback during the research and the writing of this paper. She would also like to express her gratitude to Damien Helly and Rouzbeh Parsi for their valuable comments as well as for the inputs from Judith Vorrath and the other research fellows at the EUISS. She would also like to thank all EU officials and non-state actors' representatives who shared their time and expertise, as their contributions and insights have been essential for this research.

Contents

Summary

The Israeli-Palestinian conflict has been on the European Union's agenda for decades, becoming one of the most important and controversial issues of EU foreign policy. Member States and EU institutions are certainly the main actors involved in the EU's policy-making process towards the conflict. However, non-state actors (NSAs), such as business groups, NGOs, think tanks etc., have also become part and parcel of the process. Not only are they involved in the output side of EU external policy-making, as beneficiaries of EU funding or in implementing EU projects, but they are also very active on the input side, thus contributing to the formulation and shaping of EU external policy in this regard.

In light of the lobbying and advocacy activities carried out by NSAs when it comes to EU policy towards the Israeli-Palestinian conflict, it is important to investigate who these actors are and what role they play. In order to shed light on these aspects, the paper firstly presents a mapping of the NSAs involved in lobbying and advocacy activities in the context of EU policy. By offering a typology of these actors, it provides a lens through which the role of NSAs may be evaluated, highlighting their main features and core trends in their work. Secondly, the paper investigates the role played by these NSAs in the EU's external policy-making process by offering examples of EU-NSA engagement. It demonstrates the key role played by NSAs in providing EU officials and policy-makers with information, raising awareness, drawing attention to events happening on the ground or having a bearing on the relationships between the EU and the parties, and offering different frames of analysis for problems and issues of EU interest. Moreover, NSAs can also contribute to fine-tuning existing EU policies towards the conflict, and indeed to changing them.

By exploring these dynamics and the role played by NSAs, this paper aims to improve our understanding of the EU's foreign policy-making process through the analysis of a group of actors that, although under-researched, play a not insignificant role in the formulation and evolution of EU external policy.

Introduction

The EU's engagement with non-state actors (NSAs) – e.g. business groups, NGOs and think tanks – has become part and parcel of EU policy-making.[1] EU external relations are no exception to this trend, as the case of EU policies towards the Israeli-Palestinian conflict shows.[2] Given that this is one of the most extensively documented conflicts in history and one of the most relevant issues in EU foreign policy,[3] the number of NSAs dealing with the conflict is significant.[4] NSAs are involved on the output side of EU foreign policy-making, often benefiting from EU funding, being involved in EU programmes or training activities and dialogue fora aimed at conflict resolution or at the improvement of the situation on the ground in terms of human rights and democracy.[5] NSAs are also active on the input side through lobbying and advocacy activities, as confirmed by many EU officials and policy-makers.[6] While both dimensions are worth analysing, this paper focuses on the input side.[7]

1. See European Commission, *Communication on General principles and minimum standards for consultation of interested parties by the Commission*, COM(2002)704, Brussels, 11 December 2002; Nathalie Tocci (ed.), *The EU, Civil Society and Conflict* (London, Routledge, 2011), available at: http://ec.europa.eu/civil_society/index_en.htm.

2. This paper does not examine the Arab-Israeli conflict, but focuses on the more limited issue of Israeli-Palestinian dynamics. While the two aspects cannot be disentangled, this dimension of the conflict has been given more attention in EU foreign policy and by civil society and NSAs. Most of their activities revolve around Israeli-Palestinian relations, while the broader Arab-Israeli dimension is less dealt with. Therefore, the author has preferred to concentrate attention on this aspect.

3. In this paper, foreign policy is defined as 'the sum of official external relations conducted by an independent actor in international relations' (Christopher Hill, *The Changing Politics of Foreign Policy*, Houndmills/Basingstoke, Palgrave MacMillan, 2003, p. 4). Hill proposes a broad definition of foreign policy comprising both high and low politics and taking into consideration the actions of all governing mechanisms (ibid., pp. 4-5). This paper also uses the terms 'EU policy/policies' or 'EU external policy/policies' interchangeably when referring to all forms of foreign policy that the EU pursues towards Israel and the Palestinians. The former expression is preferred whenever Israel/Palestine is mentioned in the sentence, while the latter is used when this is not clearly specified. As said, the scope of the paper refers to EU foreign policy towards the Israeli-Palestinian conflict and includes all actions and policies that the EU deploys in this regard.

4. Interview with EU official, Brussels, February 2011.

5. On the output side, especially on the EU's engagement with civil society organisations in conflict situations, see Tocci, op. cit. in note 1; Benoit Challand, 'Coming too late? The EU's mixed approaches to transforming the Israeli-Palestinian conflict', in ibid; Nathalie Tocci and Benedetta Voltolini, *The EU, Civil Society and Conflict Resolution in Israel-Palestine*. Paper presented at the Workshop on 'The EU and the Middle East', EU-GRASP 7th FP, Jerusalem, 22 May 2011.

6. Interviews with EU officials and MEPs, February-March 2011. This paper focuses on the EU level. NSAs can also act at the level of Member States and use them as an indirect channel to influence EU policies. Often NSAs try to use all available channels, thus lobbying at both the EU and national levels.

7. This research is based on a database compiled by the author. It also contains NSAs that are 'potentially interested in influencing EU foreign policy'. This means that, although no specific instance of lobbying/advocacy activities has been found so far, these actors have interests at stake in the Israeli-Palestinian conflict and advocacy/lobbying are part of their activities. Therefore, it is supposed that they could potentially be involved in EU foreign policy-making, if specific facts or particular interests are at stake.

It investigates what role NSAs play in the EU's policy-making process in relation to the Israeli-Palestinian conflict, and examines their interaction with the EU in the context of the conflict. Clearly, EU external policies are also influenced by the dynamics on the ground, the role played by the conflicting parties as well as by third actors such as the US. However, these aspects are not covered here.

The paper examines NSAs' lobbying and advocacy activities and how NSAs try to influence EU external policy according to their goals and preferences. In this paper the terms 'lobbying' and 'advocacy' are used interchangeably. No comparison with the lobbying in the US, where lobbying is strictly regulated, or in EU Member States is made and an analytical rather than normative approach is taken.

Although indirect forms of lobbying and advocacy activities targeting EU external policies are also possible, most notably through Member States, this paper only deals with the direct interactions between the EU and NSAs. Even though both the EU and NSAs are embedded in the conflict, this paper does not take a 'conflict-driven' point of view, but adopts instead an EU focus, concentrating on the role of NSAs in EU external policies. The Israeli-Palestinian conflict is taken as an exemplary case of EU external policy in order to point out specific dynamics in the EU policy-making process.

The term NSA is used as an umbrella term to encompass a variety of actors. By drawing on the relevant literature,[8] NSAs are defined here as groups that are autonomous from the government (which does not mean that they cannot receive public funding); that have a relatively formal structure; and that try to influence, or have a potential interest in influencing, the EU's policy-making process towards the Israeli-Palestinian conflict.[9] The timeframe of the paper concentrates on events that have occurred since 2000.

8. Among others, see Bas Arts, *Non-State Actors in Global Governance: Three Faces of Power*, Max Planck Project Group on Common Goods, Bonn, Working Paper 2003/4; Jan Beyers, Rainer Eising and William Maloney (eds.), *Interest Group Politics in Europe* (London/New York: Routledge, 2010); Daphne Josselin and William Wallace, *Non-state Actors in World Politics* (Houndmills/Basingstoke: Palgrave MacMillan, 2001); Ken Kollman, *Outside Lobbying. Public Opinion & Interest Group Strategies* (Princeton, NJ: Princeton University Press, 1998).

9. The Palestinian Authority (PA) is considered as a state actor, as it is the administrative body in charge of the government of the West Bank and Gaza Strip following the agreement reached by the Palestine Liberation Organisation (PLO) and Israel with the Oslo Accords. The current debate about the recognition of the state of Palestine at the UN is also an issue pushed by the PA, but it works as a political and representational body which is different from the NSAs considered here. The PA deals with political power and governs a territory, even if its sovereignty is limited.

By providing insights into the landscape of NSAs involved in the sphere of EU policy-making with regard to the Israeli-Palestinian conflict, this paper aims to contribute to understanding how the EU's policies are shaped, formulated and implemented. It sheds light on actors that are usually not taken into account in the analysis of EU policy on the Israeli-Palestinian conflict, thus adding further nuances to the study of the EU's external policy-making process.

The paper is structured as follows. First, EU policy towards the conflict and the role played by the different actors (Member States and EU institutions) in the policy-making process are explained. Second, the paper analyses how the EU engages with NSAs by providing an overview of these actors and highlighting their main features. The third section focuses on the role played by NSAs and how they impact on the EU's policy-making. Finally, the conclusions summarise the main findings.

1. The EU and the Israeli-Palestinian conflict

The EU's position towards the conflict and the parties involved

Since the early 1970s the Israeli-Palestinian conflict has featured prominently on the EU's agenda. Over the decades the EU's position has consolidated around the pursuit of two main goals, namely the two-state solution and respect for human rights, international humanitarian law and international law.[10] In order to pursue these two key objectives, the EU has tackled, at least rhetorically, the final status issues, namely borders, settlements, refugees, water and security. Settlements have become a big issue for the international community and the EU has been quite vocal in its condemnation of them.

The EU's policy towards the Middle East Peace Process (MEPP) is complemented by its bilateral relations with the parties. Within the legal framework of the Euro-Mediterranean Partnership/Union for the Mediterranean (EMP/UfM), both Israel and the Palestine Liberation Organisation (PLO) have signed an Association Agreement with the EU, as part of the broader EU multilateral approach towards the Mediterranean region. Moreover, the European Neighbourhood Policy (ENP) Action Plans, signed both by Israel and the Palestinian Authority (PA), allow the EU to adopt a more differentiated approach based on the development of the parties and their specific needs.

Israel enjoys more developed bilateral relations with the EU. While the upgrade of the EU-Israel Association Agreement has been frozen since June 2009 following Operation *Cast Lead* (December 2008-January 2009), in the tenth EU-Israel Association Council in February 2011, the EU stated that it is 'prepared to further explore with Israel the opportunities still offered by the current Action Plan in a number of sectors and policy areas',[11] thus

10. Nathalie Tocci, 'Firm in Rhetoric, Compromising in Reality: The EU in the Israeli-Palestinian Conflict', *Ethnopolitics*, vol. 8, no. 3, 2009, pp. 387-401.

11. Tenth Meeting of the EU-Israel Association Council - Statement of the European Union, Brussels, 22 February 2011 Available at: http://eeas.europa.eu/delegations/israel/press_corner/all_news/news/2011/20110222_01_en.htm.

showing its intention of deepening and strengthening its relationship with Israel. At the same time, however, the EU's rhetoric has changed since Operation *Cast Lead* and Israeli internal policies have recently become an issue of concern, especially in light of the moves of the Netanyahu administration with regard to the Jewish identity of Israel, the restrictions on NGOs (e.g. the Bill on Foreign Funding of NGOs) that receive funding from abroad and the discrimination against the Arab minority. The EU has assertively reiterated that it does not recognise changes to the pre-1967 borders and the annexation of East Jerusalem, condemning the settlements and calling for the end of the blockade of Gaza, all issues that are seen as fundamental conditions for peace.[12]

As for its bilateral ties with the Palestinians, the EU was a 'pioneer' as it recognised the right of the Palestinians to self-determination in the Venice Declaration in 1980, which was followed by the 1999 Berlin Declaration supporting the creation of a Palestinian state. Not only has the EU been in favour of the creation of a Palestinian state, when conditions would allow it, but it has also supported the PA in the process of institution- and state-building through its financial and technical aid. In doing so, the EU has been implementing the policy of the Quartet, of which the EU is one of the members. The same applies to the EU decision to shift its attention towards the West Bank and the Abbas-led government, following the victory of Hamas in 2006. Yet, the EU has called for the removal of the Gaza blockade and has constantly supported the Palestinian population in the Gaza Strip by channelling direct aid, thus bypassing Hamas.

To summarise, the EU has many stakes in the region and a primary interest in the resolution of the conflict. As Rosemary Hollis has pointed out,[13] not only is the EU the largest donor to the PA, providing the money to pay salaries and run basic services like education and health, but it is also politically relevant as a member of the Quartet, the international forum that comprises, besides the EU, the UN, the US and Russia, and tries to mediate the peace process. Moreover, EU bilateral ties with the parties are well-developed, demonstrating the EU's particular interest in the area.

12. Council of the European Union, *Council Conclusions on the Middle East Peace Process*, Brussels, 8 December 2009; Council of the European Union, *Council Conclusions on the Middle East Peace Process*, Brussels, 13 December 2010.

13. Rosemary Hollis, 'The basic stakes and strategy of the EU and Member States', in Esra Bulut Aymat (ed.), 'European Involvement in the Arab-Israeli Conflict', *Chaillot Paper* no.124, European Union Institute for Security Studies, Paris, December 2010.

Despite its persistent and evident involvement, the EU is often described as an actor with a secondary role, which is clearly reflected in references to the EU as a 'payer' instead of a 'player', as it invests a lot of money without being able to impose itself politically. This situation is also reflected in Costanza Musu's description of the EU's policy towards the Arab-Israeli conflict as a policy of 'converging parallels', whereby Member States' positions tend to get closer, but they never intersect.[14] While this is the mainstream reading of why the EU plays a secondary role, others maintain that the EU is a relevant actor in the conflict,[15] but the rhetoric-practice gap is mainly explained by how and for what purpose its policy instruments are used.[16]

In order to have a better grasp of how EU policy towards the Israeli-Palestinian conflict works and understand the main aspects of the EU's involvement, the following section will offer some insights into the main actors engaged and the dynamics occurring in the policy-making process.

Who does what in EU external policies? Specific insights on the Israeli-Palestinian conflict

EU policy towards the Israeli-Palestinian conflict is formulated and shaped by EU institutions and EU Member States. Not only do the latter maintain bilateral relations and a national foreign policy towards Israel and the Palestinians, but they are also key players in the Council of the European Union. This is the institution where they define the EU's political and diplomatic stance as well as the guidelines of the EU's policies with regard to both the conflict and the parties. Although Member States usually agree on the main aspects of the EU's policy towards the conflict, on many occasions the EU only reaches 'lowest common denominator' positions that are vague and broad enough to accommodate the Member States' different stances. These divergences are largely determined by Member States' historical past, their geopolitical interests and their constituencies. An example of the predominance of Member States' interests

14. Costanza Musu, *European Union Policy towards the Arab-Israeli Peace Process*: *The Quicksands of Politics* (Basingstoke/New York: Palgrave MacMillan, 2010). Musu explains this situation by referring to three factors, namely the interests of Member States, the instruments at the EU's disposal and the relationship with the US.

15. See Esra Bulut Aymat (ed.), 'European Involvement in the Arab-Israeli Conflict', *Chaillot Paper* no. 124, Paris, European Union Institute for Security Studies, Paris, December 2010.

16. Tocci, op.cit. in note 10; Nathalie Tocci, 'The conflict and EU-Israeli relations', in *Chaillot Paper* no. 124, op. cit. in note 13, pp. 55-64.

is clear in the case of the December 2009 Council Conclusions, when the Swedish presidency tried to insert a reference to East Jerusalem as the capital of the future Palestinian state. However, the final document did not make any reference to it, opting for a watered down formulation based on the usual wording referring to Jerusalem as the capital of both states.[17]

EU institutions are also important players in the policy-making process, especially in those areas of policy where the EU has exclusive or mixed competences (such as trade and aid). While the political direction is given by the Council, the Commission has always played an important role in EU external policies. Before the entry into force of the Lisbon Treaty and the establishment of the European External Action Service (EEAS), the Directorate-General for External Relations (DG Relex) in the Commission had three desks dealing respectively with EU bilateral relations to Israel (Desk Israel), to the West Bank and Gaza (Desk Occupied Palestinian Territories - OPTs) and with the Middle East Peace Process (Desk Middle East Peace Process – MEPP). Today these desks have been merged with the parallel desks of the former Directorate-General (DG) E in the Council (also dealing with external relations) and have become part of the EEAS. They are tasked with the daily liaison with and involvement of the Israeli and Palestinian counterparts and with the preparation of the relevant material and documentation that is necessary in the formulation and implementation of policies. The High Representative of the EU for Foreign Policy, a double-hatted figure who is also Vice-President of the Commission, embodies the attempt to unify all external relations under the same umbrella in order to attain more coherent and consistent external policies.

The Commission's involvement on matters related to the conflict and bilateral relations with Israel and Palestine usually occurs at the more technical level of specific agreements or via the provision of financial assistance. For example, DG Trade is involved in the drafting of trade and commercial agreements between the EU and Israel or the PA/PLO, while EuropeAid delivers aid through a series of financial instruments aimed at promoting human rights, good governance, democracy, etc.

17. For the draft text, see 'EU draft document on division of Jerusalem', *Haaretz*, 3 December 2009; for the final version, see Council of the European Union, *Council Conclusions on the Middle East Peace Process*, Brussels, 8 December 2009.

The European Parliament (EP), for long marginalised in EU external relations, has acquired new legislative powers with the Lisbon Treaty. The new provisions increase the EP's competences in several domains, among which commercial policies and the conclusion of agreements with third parties. Diplomatically, its resolutions, although they do not equate with the Council's positions, play a role on the international stage, representing one of the voices of the EU. Moreover, the EP is extremely important in ensuring the accountability of the other EU institutions through written and oral questions to both the Council and the Commission requesting explanations over specific policies, issues and positions.

Important actors also are the EU Delegations to respectively Israel and the West Bank and Gaza Strip, which are formally part of the EEAS. Together with Member States' embassies and consulates on the ground, they are intermediaries between the parties on the ground and the EU. Thanks to their location, they have their fingers on the pulse and are aware of what is happening in Israel and Palestine. Therefore, they can transmit important information to Brussels that can feed into the policy-making process. An example is offered by the Heads of Mission (HoMs) reports,[18] short documents prepared together by the EU Delegation and the Member States' representations in which relevant issues (e.g. East Jerusalem) are highlighted and recommendations for action are suggested.

As shown, EU policies with regard to the Israeli-Palestinian conflict are quite diverse and several actors are involved. Where do NSAs fit into this picture? The following section will point to the main trends and relevant aspects concerning their role in EU external action.

18. The HoMs reports are documents drafted by the Heads of Mission in non-EU countries in which issues of concerns for the EU and information (such as data, figures, etc.) are presented. The HoMs reports also provide recommendations concerning what the EU should do to address the situation on the ground. Cf. Federica Bicchi, 'The EU as a community of practice: foreign policy communications in the COREU network', *Journal of European Public Policy*, vol. 18, no. 8, 2011, pp. 1115-32.

2. Non-state actors and EU external policies

The EU values the engagement with NSAs as an important component of its policies. On the input side, consultations with civil society actors and interested parties in the initial stages of the legislative process gives the EU the possibility to formulate policies that take into account the needs of the stakeholders, thus increasing its input legitimacy.[19] On the output side, NSAs benefit from or are the targets of programmes and funding opportunities provided by the EU under different headings (e.g. research, aid).[20]

External policies are no exception to this trend. In the case of the Israeli-Palestinian conflict, numerous NSAs carry out lobbying and advocacy activities to influence EU policies toward the conflict, especially by providing information and expertise.[21] Due to the relatively limited number of staff working on the conflict in the EU institutions, the NSAs' contribution plays an important role in their work.[22] Some NSAs offer technical expertise related to specific agreements and issues, others offer first-hand information concerning the situation on the ground, while some others point out to specific problems or draw officials' attention to certain aspects. It should be kept in mind that each NSA is a bearer of specific interests and biases, and that information and knowledge are often used instrumentally to present or support certain ideas and visions. Nevertheless, by offering first-hand information, analyses or reports and by pointing to specific issues (even if in a partial or biased way), NSAs focus EU attention on certain aspects of the situation. It is then up to EU policy-makers and officials to decide

19. Barbara Finke, 'Civil society participation in EU governance', *Living Reviews in European Governance*, vol. 2, no. 2, 2007, available at: http://www.livingreviews.org/lreg-2007-2; Beate Kohler-Koch and Barbara Finke, 'The Institutional Shaping of EU-Society Relations: A Contribution to Democracy via Participation', *Journal of Civil Society*, vol. 3, no. 3, 2007, pp. 205-11.

20. E.g., the Framework Programme and the European Instrument for Democracy and Human Rights (EIDHR). See *Communication on General principles and minimum standards for consultation of interested parties by the Commission*, op. cit. in note 3.

21. According to interviews, lobbying and advocacy is comparatively more developed in relation to this issue than in other areas of intense lobbying activities such as the People's Mujahedin of Iran or the Western Sahara. Interview with EU official, Brussels, February 2011.

22. Interviews with EU officials, Brussels, February-October 2011.

how to use this material. Information and knowledge[23] are provided, informally, in meetings with officials, via emails, reports and other written material that present the view of NSAs. At a more institutionalised and formal level, NSAs are also invited to parliamentary hearings or formal consultations (the consultation on the revision of the ENP, meetings before the EU-Israel or EU-PLO Association Council/ Committee meetings), when they have to express their views on specific issues.[24]

On the output side, NSAs are involved in their implementation of EU policies on the ground. NSAs can be directly affected by these policies, such as in cases of commercial agreements, which have an impact on business groups that have to abide by the new provisions in place. Alternatively, NSAs can be part and parcel of the EU approach to conflict resolution, thus being engaged via dialogue, training and funding. Dialogue is aimed at fostering mutual understanding between the parties on the ground and favouring socialisation processes leading to the development of common values, new ideas and different forms of understanding and management of the conflict. As for the funding, the EU offers several opportunities to NGOs that can submit applications for being financed under different instruments and programmes, such as the Partnership for Peace Programmes and the European Instrument for Democracy and Human Rights (EIDHR). Finally, the EU can engage with civil society organisations (CSOs) by funding training activities that are implemented by local or international actors. Training is also aimed at governments and public administrations, with CSOs working as the go-between. For example, the EU funded the Seyada programme, which was aimed at the empowerment of the judicial system in Palestine. Civil society actors were involved to the extent that the project targeted not only state personnel, but also the broader legal community comprising scholars, researchers and students. Moreover, the implementation was carried out by three international NGOs, namely the ICON Institute

23. While these words are mainly used interchangeably in the paper, information refers to data that reduce uncertainty and ambiguity, while knowledge relates to the interpretation of information and beliefs about 'cause-effect' relations (cf. George P. Huber, 'Organisational learning: The contributing process and the literatures', *Organisation Science*, vol. 2, 1991, pp. 88-115; p. 89).

24. It is important to point out that lobbying and advocacy activities are also a way for NSAs to show that they are active, that it is worth financing them and that this money is well spent. Therefore, lobbying the EU is also an activity of NSAs that is linked to their survival. This does not deny the rationality of actors, who plan and tailor their actions so that these are as effective as possible. Cf. David Lowery, 'Why Do Organised Interests Lobby? A Multi-goal, Multi-context Theory of Lobbying', *Polity*, vol. 39, no. 1, 2007, pp. 29–54.

Public Sector GmbH, the Belgian Technical Cooperation (BTC) and the Centre for International Legal Cooperation. Clearly, the involvement of CSOs critically depends on the type of training activities and the target audiences at which it is aimed.[25]

25. Tocci, op. cit. in note 1; Tocci and Voltolini, op. cit. in note 5.

3. Mapping non-state actors in EU policies towards the Israeli-Palestinian conflict

The NSAs involved in lobbying and advocacy activities with regard to EU policy towards the conflict are very diverse, but they all share the view that the EU can play a role in the conflict and that its policies can be influenced.[26] Although many NSAs often complain about the EU's rhetoric-practice gap when it comes to the Israeli-Palestinian conflict, they still try to influence EU policies in the belief that the EU has the potential and the tools to exert leverage on Israel and the Palestinians.

This section provides the reader with a typology of the NSAs interested in influencing EU policy towards the Israeli-Palestinian conflict and some of their key characteristics, before moving to an analysis of their lobbying and advocacy activities in section 4.

Methodologically, this mapping exercise has relied on a variety of sources. First, the registers of the Commission and the EP and, since June 2011, the Transparency Register have been consulted. Second, NSAs have also been identified through the literature, reports and studies.[27] Newspaper articles, some scholarly articles and some books[28] provide some of the names of NSAs involved in lobbying activities. Third, the database has been integrated through interviews with NSAs themselves and EU officials and policy-makers.[29] The information collected through these sources has been cross-checked and the database, as of mid-October 2011, contains around 270 NSAs. The lack of systematic sources to rely on makes it difficult to have a complete and exhaustive picture of the entire NSA population. Indeed, the registers of the Commission and the EP, which were separate until the introduction of the Transparency Register in 2011, were

26. Interviews with NSA representatives, November 2010-October 2011.

27. For example, Marloes Van Kuppevelt, *Stakeholders Analysis: European Policy on the Middle East*. IKV Pax Christi. May 2009 (unpublished); see also, among others, various reports by Profundo, Corporate Watch and Who Profits.

28. E.g. David Cronin, *Europe's Alliance with Israel* (London: Pluto Press, 2010).

29. On the "snowball effect", see Piergiorgio Corbetta, *Social Research: Theory, Methods and Techniques* (London: SAGE, 2003). Interviews carried out between November 2010 and October 2011.

structured in different ways and served different purposes. The former was voluntary, while the latter contained all the people that required a permanent badge to enter the European Parliament premises, which did not necessarily translate into the identification of all (or only) interest representatives. Similarly, the Transparency Register is not compulsory and NSAs are forced to register only if they want an annual badge to access the EP. However, access can be obtained via alternative channels, such as arranging meetings with officials. Thus, the non-registration does not preclude the possibility of NSAs meeting officials and politicians from both institutions.[30] Nevertheless, the database built offers interesting insights into the NSA population interested in influencing EU policy towards the Israeli-Palestinian conflict. In order to add clarity to this diverse group, the following typology helps to identify the different types of NSAs and to highlight their features.

A typology of non-state actors involved in EU policies towards the conflict

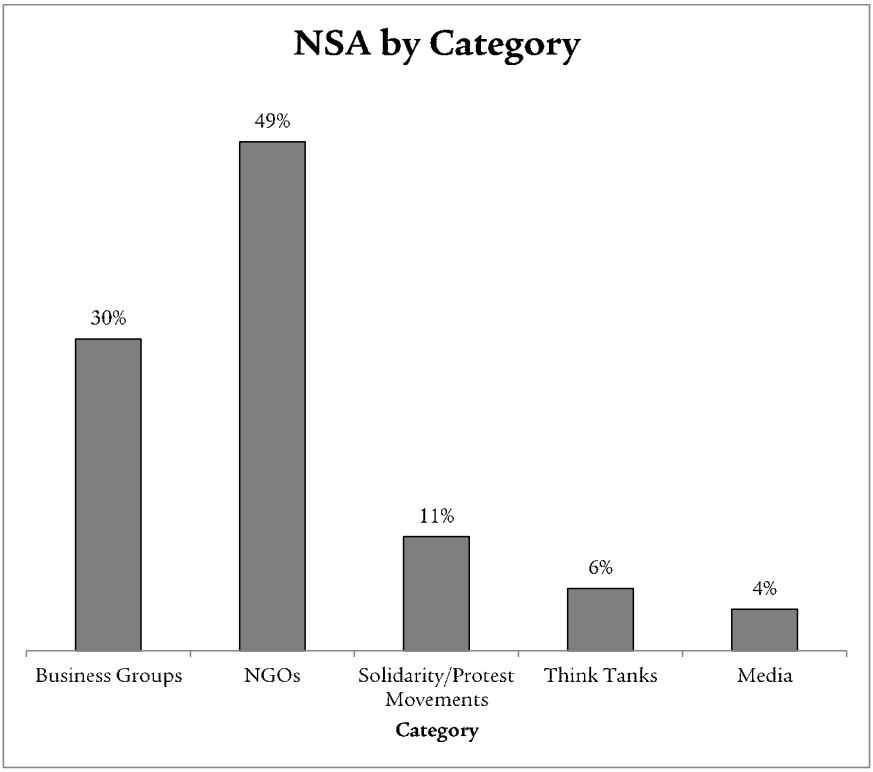
The NSAs relevant to this study are very diverse in terms of their nature, their organisational structure, their objectives, their location and their lobbying strategies. While all these features offer alternative perspectives from which to look at the landscape of these NSAs, this section develops a typology based on NSAs' core activity, i.e., the main activity that characterises their work. A typology is necessarily a simplification of the reality, as it draws clear-cut distinctions among different types of NSAs. The latter often have a hybrid nature, carrying out a variety of activities. For example, both think tanks and some NGOs carry out research, but the former conduct research as their main activity, while NGOs use it in support of other core activities. Therefore, this typology should only be considered as a possible lens through which NSAs can be organised in order to deepen our understanding of the similari-

30. On the problem of mapping/counting interest groups, see also Joost Berkhout and David Lowery, 'Counting organised interests in the European Union: A comparison of data source', *Journal of Public Policy*, vol. 15, no. 4, 2008, pp.489-513. As for the registers of the EU, the Commission's register of Interest Representatives used to contain different types of information according to each NSA. In contrast, the EP register was only a list of names with their affiliation. Yet, due to the voluntary nature of these registers as well as the presence of alternative channels to get access to policy-makers and officials, these registers never entailed a detailed and complete list of NSAs. Indeed, in the Commission and the EEAS access is granted on the basis of a daily pass, when a meeting with one of the officials is arranged. As for the EP, it is possible to get access by arranging meetings with MEPs and officials or by asking someone working in the EP to be signed in. Although the Transparency Register links registration with the granting of an annual badge for the EP, registration remains voluntary and both the Commission/EEAS and EP premises can be accessed through daily passes.

ties and differences of NSAs and how their engagement with the EU works.

Five main categories have been identified, namely NGOs, business groups or economic-oriented actors, solidarity or protest movements, think tanks, and the media. As shown in Graph 1, the majority of NSAs are NGOs (49 percent), followed by business groups (30 percent). The other categories are much smaller, with solidarity/protest movements representing 11 percent, think tanks 6 percent and the media only 4 percent of NSAs.

Graph 1: Frequency of NSAs relevant to this study, divided by category



Non-Governmental Organisations

NGOs are the most active NSAs in lobbying and advocacy regarding the issue of the EU's policy towards the Israeli-Palestinian conflict.[31] Defined here as not-for-profit groups that are law-abiding (i.e., they abide by the law of the country in which they are based/operate and do not commit criminal actions) and that do not seek to overthrow the government or to acquire state power,[32] NGOs are mainly concerned with the delivery of services or advocacy activities. In the case of the Israeli-Palestinian conflict, most of them concentrate their activities on human rights (e.g. Adalah, the Euro-Mediterranean Human Rights Network – EMHRN), on social and developmental matters (e.g. Aprodev), on environmental issues (e.g. Friends of the Earth Middle East), on the problems associated with the conflict such as house demolition, prisoners, etc. (e.g. Ir Amim), and on Israel and the Jewish people (e.g. European Friends of Israel, NGO Monitor). Besides the different areas of work, NGOs also display different features in terms of their size, their location and their organisational structure.

Among the numerous NGOs that play a role, there is a 'core' of actors that are mentioned frequently by stakeholders as having more contacts with EU policy-makers or making important contributions to their work. These include, among others, Amnesty International, Aprodev, EMHRN, CIDSE, the European Friends of Israel, European Jewish Congress, Human Rights Watch, Mossawa Center, Adalah, Breaking the Silence, and B'Tselem. The Brussels-based community of NGOs dealing with the conflict is even smaller, so that people generally know each other. NGO networks, such as Crisis Action, have been established in Brussels, as have advocacy offices of umbrella organisations such as EMHRN and Aprodev.

31. Interviewees in EU institutions usually named NGOs as the most active NSAs. Interviews carried out between February and October 2011.

32. A clear-cut definition of NGOs is no mean feat. On the one hand, legal definitions are not of much help, as each state has different laws regulating the status of NGOs. On the other hand, there is a huge debate in the literature concerning the definition of NGOs which is often related to the disciplinary angle adopted. The definition chosen for this paper identifies those features that make it possible to distinguish NGOs from business groups, criminal organisations, armed groups, liberation movements and political parties. See Menno T. Kamminga, 'The evolving status of NGOs under international law: a threat to the inter-state system?', in Philip Alston, *Non-state actors and human rights* (Oxford: Oxford University Press, 2005), pp.93-111; Kerstin Martens, 'Mission impossible? Defining Nongovernmental organisations', *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, vol. 13, no. 3, 2002, pp. 271-85.

Solidarity and protest movements

The category of solidarity and protest movements displays similar features to those of NGOs, but they are generally less structured, they adopt loose forms of organisation and they rely on the work done on a voluntary basis by their members. Their strength depends on their ability to mobilise people and public opinion through campaigns and demonstrations in order to exert pressure on policy-makers through this channel. Due to the nature of their activities, they are mainly organised and active at the national level, as it is easier to raise the attention of public opinion at the national level than at the wider EU level. Examples of solidarity/protest movements are the Ireland-Palestine Solidarity Campaign or Campagne pour la protection du peuple palestinien. Nevertheless, there are some solidarity/protest movements that are also active at the European and transnational level, working principally on the basis of national movements that are then coordinated at a higher level. For example, this is the case of the Boycott, Divestment and Sanctions (BDS) movement, which is international in its scope (meaning that it pursues a common campaign internationally), but operates on the basis of national branches.

Business groups

As for the category of business groups or economic-oriented actors, they perform economic activities aimed at increasing their market share and making their business more profitable. They range from multinational corporations to relatively small businesses, and they work in very different sectors, such as agriculture, pharmaceuticals, defence, etc.[33] Usually business groups try to avoid any political involvement and concentrate their actions on the economic and technical aspects of EU policies. Unlike NGOs that tend to work on issues that are 'ongoing' such as justice, development, conflict resolution, respect for human rights and international law, business groups focus their lobbying efforts on specific issues and at specific times. Examples include the case of Brita GmhB concerning the import of goods from the settlements or of Teva with regard to the Agreement on Conformity Assessment and Acceptance of pharmaceutical goods exported from Israel to the EU and vice versa. This different type of lobbying is also a possible

33. In the database, there is a bias concerning the groups listed due to the data available, which mainly focus on some countries (especially the UK and the Netherlands) and not on others. Interviews have been used to find out more information concerning this category of NSAs and to limit the impact of the bias as much as possible.

explanation of why there are fewer examples of business groups lobbying the EU to influence its policies towards the Israeli-Palestinian conflict.[34]

Think tanks

The fourth category is formed by think tanks.[35] Their main activity revolves around research aimed at influencing the policy-making process by generating and shaping the debate through ideas, inputs, etc. For example, NSAs such as the Centre of European Policy Studies (CEPS) or International Crisis Group produce reports and policy papers with policy recommendations or they organise workshops and seminars to create a debate on EU policies and foster change. Even if many of them are legally registered as NGOs and there are also NGOs that put a lot of emphasis on research, think tanks make research their core activity, as they 'produce and principally rely on expertise and ideas to obtain support and to influence the policymaking process.'[36]

Media

Finally, the media are also part of the NSAs' landscape, as they contribute to the debate within EU institutions and Member States and they shape the discussion at the level of public opinion. Besides newspapers and broadcasts, which are clearly the main channels of transmission of information and influence on the public debate, there are some NSAs that specifically deal with the media and the presentation of information and topics related to the conflict. Unlike other NSAs, their main activity relates to communication and media-related work. In this way, they are trying to indirectly influence policy-makers and officials. Playing certainly

34. There are other possible explanations, e.g. they lobby at the national level or their interests are not affected by EU policies, as their sectors of activities are not regulated by the EU.

35. Foundations, especially German foundations such as the Friedrich Ebert Stiftung and the Konrad Adenauer Stiftung, are here considered as part of the 'think tank' category. While their nature is quite complex, as they perform different kinds of activities (not only research), when it comes to the Israeli-Palestinian conflict, most foundations work to generate and stimulate debate and to provide information and researched documents to shape and influence policies. In this way, their work is very similar to that of think tanks.

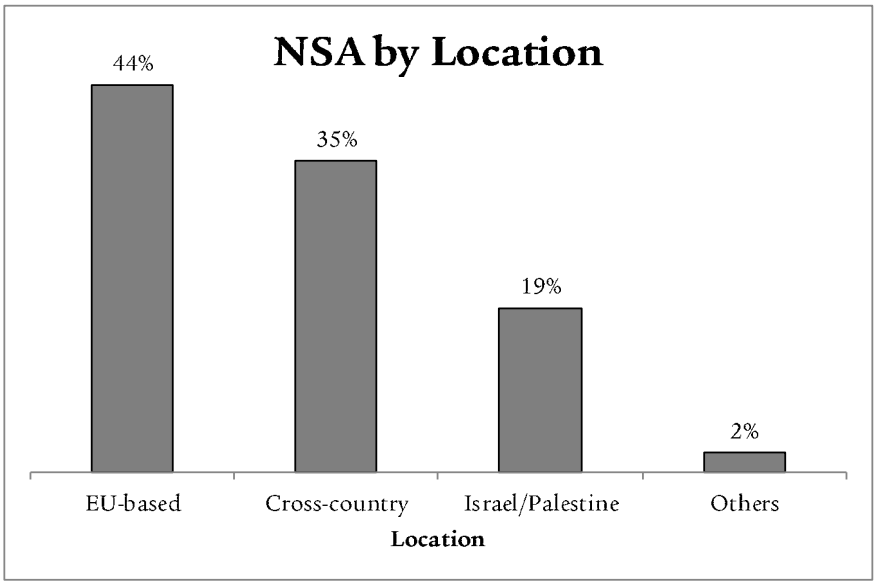
36. Andrew Rich, *Think Tanks, Public Policy, and the Politics of Expertise* (Cambridge: Cambridge University Press, 2004), p. 11. On think tanks, see also Diane Stone, *Think Tank Transnationalisation and Non-Profit Analysis, Advice and Advocacy*, Global Development Network, 2000. Available at: www.eldis.org/fulltext/thinktank.pdf. Andrew Rich also argues that think tanks are often perceived as more credible in the eyes of policy-makers, as they do not usually represent a specific constituency. However, the neutrality of certain think tanks can be questioned, as they also support specific visions. As many think tanks are registered as NGOs, in this paper research-driven NGOs are classified as think tanks on the basis of the type of research they produce and its relevance among all other activities that they carry out. For example, International Crisis Group is here considered as a think tank, because research is their core activity and it corresponds to most features of Rich's definition.

an important role at both the EU and Member State level, media-focused NSAs are generally more active, and their presence is more visible, at the national level. Examples of these NSAs are Inform, Bicom and JNews.[37]

Geographic distribution of relevant NSAs

The NSAs relevant to this study are not only located in the EU, but many of them are also based in Israel/Palestine or have a cross-national and transnational outreach. As Graph 2 shows, the majority of NSAs are either EU-based (44 percent) or have a cross-country presence (35 percent), i.e., they have offices in different countries. This usually means that they have a presence both in Brussels and on the ground or at least that they are present in several countries and that they are of a sufficiently large size to ensure that they can have some leverage when it comes to lobbying the EU.

Graph 2: Frequency of NSAs relevant to this study, by location.

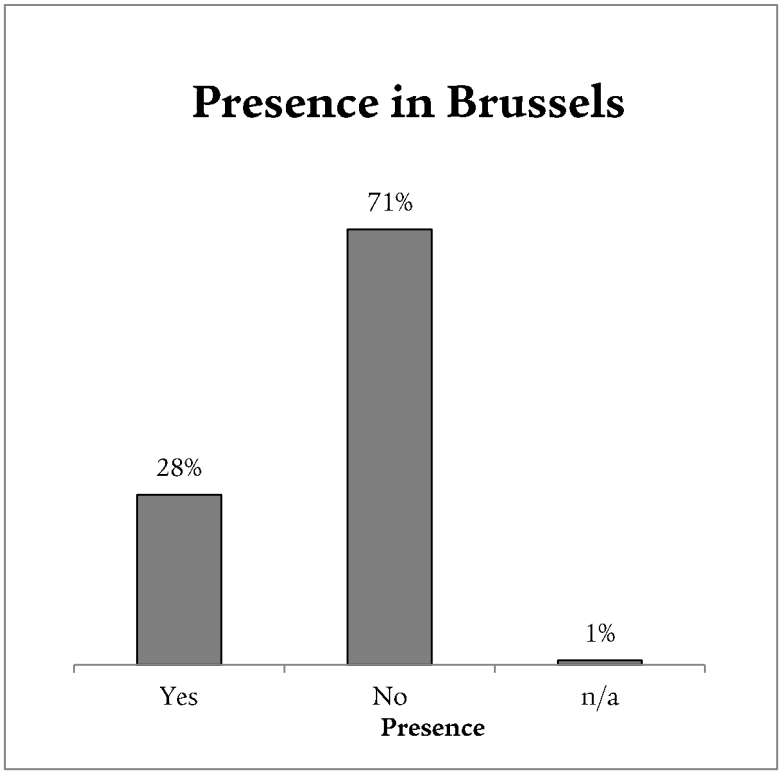


Note: 'Others' includes those NSAs that are not included in the other categories (e.g. based in Lebanon or only in the US, etc.) and those whose location has not been found.

37. On the role played by the media, see for example Peter Oborne and James Jones, *The pro-Israel lobby in Britain*, OpenDemocracy, 2009. Available at: http://www.opendemocracy.net/ourkingdom/peter-oborne-james-jones/pro-israel-lobby-in-britain-full-text.

The location of NSAs clearly has an impact on their activities and their outreach capacity. Needless to say, Brussels-based actors (those who have an office or a person based there) are in a privileged position to interact with EU institutions. It is easier for them to be involved in the EU's policy-making process, to be informed about what is going on, to act on short notice, to collect information, and to know how to carry out more effective lobbying and advocacy work (e.g. which institutions are better lobbying targets). As shown in Graph 3, 28 percent of the NSAs in the database are present in Brussels. The remaining 72 percent is located elsewhere, coming to Brussels when lobbying and advocacy activities so require or relying on umbrella organisations and networks based there.

Graph 3: Presence in Brussels of the NSAs relevant to this study.



Note: 'Presence in Brussels' means that NSAs have an office there or a person based there.

At the same time, being present on the ground is also an asset for NSAs, as they can provide the EU with first-hand information and highlight what the main issues for NSAs in Israel/Palestine are. These actors are often considered the voices of local civil society and the information and knowledge they provide is often considered important by EU officials and policy-makers.[38] Moreover, they can have access to the EU through the EU Delegations and the Member States' Embassies and Consulates on the ground, which represent important channels through which NSAs can pass information and put forward their requests and needs.

To obviate problems of location and to exploit individual NSA's potential and capacities, Brussels hosts many umbrella organisations, such as EMHRN or Aprodev, comprising and representing different EU- and/or Israel/Palestine-based NGOs in EU institutions. Similarly, the European Jewish Congress represents European Jewish communities based in European states in the EU. A virtual presence in Brussels has also been made possible by the internet, which makes it possible for many NSAs to have a broad outreach in terms of spreading their messages, requests and information. NSAs' websites are used to increase their public profile, to disseminate information, and to present views and ideas on issues of their interest. Informative material can also be rapidly circulated via emails and mailing lists.

As shown in this section, the NSAs relevant to this study are very different in terms of their nature, location and areas of work. What do they do in terms of lobbying and advocacy activities? Examples in this regard will be the subject of the following section.

38. Interviews with EU officials, Brussels, February-October 2011. EU officials usually express positive opinions about the information and expertise provided by NSAs. Although they might trust some organisations more than others, they are generally open to inputs from civil society actors. Information is then double-checked with other sources in order to have a clearer picture of the situation on the ground.

4. Non-state actors at work: lobbying and advocacy in practice

Some general trends in non-state actors' interaction with the EU

The interaction between NSAs and EU actors on matters of EU policies towards the Israeli-Palestinian conflict presents some general features. First, this interaction occurs in a polarised context, overshadowed, in the case of the European Parliament, by institutional fatigue. Second, targets of lobbying as well as various forms of cooperation and coordination emerge. Finally, there are three main different strategies (access, voice, litigation) that NSAs adopt when carrying out lobbying and advocacy work.

The context of interaction

The context in which lobbying and advocacy activities take place is very polarised and politicised. As a consequence of the ongoing conflict, NSAs take different and sometimes opposing stances and pursue different goals. Yet, this polarisation does not take the form of pro-Israel and pro-Palestinian NSAs, implying an opposition between Israelis and Palestinians (or between those supporting one of the two sides). Not only is this dichotomy rejected by most NSAs, policy-makers and officials working on the Israeli-Palestinian conflict,[39] but a careful analysis of the activities of NSAs, of their websites, statutes, etc., indicates a nuanced landscape that goes beyond it. Indeed, many EU-based or transnational organisations tend to carry out advocacy activities based on the respect for human rights and international law, avoiding taking a political stance of direct support for either the Palestinians or Israel. For example, some of them denounce violations of human rights and international law by both Israel and Fatah/Hamas, without favouring any of the parties of the conflict (e.g. Amnesty International, FIDH). Similarly, those NGOs belonging to the Israeli peace camp are a category 'in the middle', as, in the name of Israel's interests and security, they work to improve the situation in the OPTs and

39. Interviews with NSA representatives and EU officials, November 2010-October 2011.

ensure that Israeli policies towards the Palestinians comply with international law, international humanitarian law and human rights.

The polarisation can be better described in terms of the following two approaches to the EU adopted by NSAs . One side asks the EU to exert pressure on the parties to respect human rights, humanitarian law and international law. Most of the NSAs belonging to this camp call for the adoption of a tough stance against Israel due to its policies in the OPTs in violation of its obligations under international and humanitarian law. The other side pushes for the improvement and deepening of EU-Israeli bilateral relations, disentangling the conflict from the bilateral ties. Most of these NSAs justify their requests on the basis of Israeli democratic credentials and the weight of European history (the Holocaust and anti-Semitism).

In part as a reflection of this polarisation, many officials and policy-makers in the EU already hold strong beliefs and opinions on the Israeli-Palestinian conflict. This is also determined by the sensitivity of the issue and its political and ideological implications. All of this is evidently reflected in the European Parliament, in which profound institutional fatigue concerning Israeli-Palestinian issues is also present due to the 'crystallisation' of the conflict, the lack of any progress towards a peaceful settlement of the conflict and the perception of the conflict as an interminable and never-ending issue.[40]

Trends in NSA actions

As a probable consequence of this polarisation and of the strong beliefs that some EU officials and policy-makers hold, NSAs tend to focus their lobbying and advocacy towards those people that share their views or are, at least, sympathetic to them. This trend is particularly evident in the EP, where some MEPs, whose ideas with regard to the conflict are known, are almost never approached by those NSAs that hold the opposite position. The same applies to those officials working for those political groups whose position in this regard is clear (e.g. EFD, GUE/NGL).[41] This reflects a strategic choice of 'alliance building' with those officials and

40. Interview with EU official, Brussels, October 2011.
41. Interviews with MEP, Brussels, March and June 2011.

policy-makers that share and support the NSA's positions in order to get involved in the policy-making process.

Cooperation and coordination among NSAs, especially among NGOs, is another interesting trend. The Brussels-based NGOs tend to form a relatively small community that cooperate and apply a 'division of labour' in practice.[42] This allows them to maximise their resources, avoid overlapping in their activities, exploit each NSA's expertise, work on several topics at the same time and present a stronger and unified voice to the EU. For example, the EMHRN has focused on the Goldstone Report, while Crisis Action led the advocacy work on the blockade of Gaza. The degree and depth of coordination among NGOs varies, as it depends on the areas of work of NGOs, their mandates and their priorities. For example, some NSAs focus only on the Middle East or conflict-related issues (e.g. B'Tselem, European Friends of Israel), while others have broader mandates, so that the Israeli-Palestinian conflict is only one of the issues they deal with (e.g. Oxfam, Amnesty International). Moreover, some actors look at the conflict from a human rights perspective (e.g. Amnesty International, EMHRN), while others see it from a development perspective (e.g. CIDSE, Aprodev). At the same time, some focus on broad themes like violations of human rights and humanitarian law, while others deal with specific issues such as military *refuseniks* (e.g. Breaking the Silence) or the rights of the Arab Israelis (e.g. Mossawa). In the same way, some issues are always present on the agenda (e.g. settlements, prisoners), while others are dictated by events or by what is considered a burning issue (e.g. Goldstone Report, Israeli NGO bills).

There is less evidence of business groups' lobbying activities. Their participation in the policy-making process occurs at specific times usually linked to the commercial and economic aspects of EU external policies: they take part in the consultation processes when agreements with third parties are under discussion or they lobby EU officials and policy-makers when they want to push through an agreement or to have specific points inserted in the text. Yet, most of the time business groups are relatively 'silent'. According to some interviewees, this is probably due to the lack of economic relevance of Israel/Palestine. On the one hand, Palestine has a

42. There are around 40 NGOs working on Israeli-Palestinian issues with a presence in Brussels. However, the community mentioned here refers to a smaller group of around 15 NGOs that interact on a more systematic basis.

very small market with very fragile institutional features and little opportunity for business; on the other hand, Israel is considered as a 'small fish', i.e., a market that is very small and less interesting than China or the US. Other interviewees argue that business groups do not need to lobby the EU because the context for doing business is already favourable to them, without particular obstacles or specific needs to be addressed. Others also add that it is more likely that business groups lobby their governments, meaning that they ask their governments to support their interests in Israel/Palestine also at the EU level, as they can exert stronger leverage and be thus more effective.[43]

Lobbying and advocacy strategies: access, voice and litigation

NSAs' lobbying and advocacy strategies can be categorised in terms of three main approaches: *access*, *voice* and *litigation*.[44] An *access* strategy consists in inside lobbying based on the 'exchange of policy-relevant information with public officials through formal and informal networks'.[45] Although NSAs can still offer value-loaded arguments or frame issues in ways that fit their purposes, they need to establish their reputation *vis-à-vis* policy-makers. Examples of this approach are the MATTIN Group's work on settlement goods or Crisis Action's activities aimed at providing policy-makers and officials with relevant information on, *inter alia*, the situation in Gaza. *Voice* approaches are public political strategies taking place 'in various public spheres, an arena where the communication among societal interests, policy-makers and citizens becomes visible to a broader audience'.[46] Voice strategies can either expand the conflict in order to convince policy-makers that they do not have the support of the base (protest politics) as many solidarity movements do, or provide information that reaches the public at large through conferences, op-eds, etc. (information politics).[47] For example, the Council for European Palestinian Relations (CEPR) and ECCP published an opinion article in the

43. Interviews with EU officials and policy-makers, February-October 2011.

44. On this topic, see among others Pieter Bouwen, 'Corporate Lobbying in the European Union: The Logic of Access', *Journal of European Public Policy*, vol. 9, no. 3, 2002, pp.365-90; Jan Beyers, 'Voice and access: Political practices of European interest associations', *European Union Politics*, vol. 5, no. 2, 2004, pp. 211-240; Kollman, op. cit. in note 8; Pieter Bouwen and Margaret McCown, 'Lobbying versus litigation: Political and legal strategies of interest representation in the European Union', *Journal of European Public Policy*, vol. 14, no. 3, 2007, pp. 422-43.

45. Beyers, op. cit. in note 44, p. 213.

46. Ibid.

47. Beyers, op. cit. in note 44.

EUobserver on 23 April 2012, on the Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA) between the EU and Israel; and the EMHRN, together with Adalah and the Arab Association for Human Rights, organised a public launch of its report, 'The EU and the Palestinian Arab Minority', in February 2011.[48] The third approach consists in *litigation*, i.e. the recourse to the court to change a piece of legislation or the pattern of development of a policy, as the example of Brita GmbH in the next section will show.[49] As these three approaches are not mutually exclusive, many NSAs rely on a combination of them (especially access and voice strategies) in order to increase their chances of success, increase the scope of their action and target different audiences at the same time.

In light of the trends and strategies in NSAs' lobbying and advocacy activities identified in this section, what is the role of NSAs in EU policy-making towards the Israeli-Palestinian conflict? While it is difficult to assess NSAs' impact on EU policy-making as it is difficult to disentangle the different factors contributing to EU external policy-making, NSAs' role in the process is recognised by EU officials and policy-makers.[50] The rest of the paper analyses how NSAs interact with the EU and what role they have in EU policy-making towards the Israeli-Palestinian conflict.

Non-state actors in action: their role in the policy-making process

NSAs play a role in the policy-making process by providing information, raising awareness, setting the agenda, framing issues through different lenses, and pushing for policy fine-tuning or change. While these stages of the policy cycle are identified as distinct categories here for analytical purposes, they are often interlinked and entangled in practice.

48. Katarzyna Lemanska and Stuart Reigeluth, 'Why EU should reject new Israeli trade pacts', *EUobserver*, 23 April 2012. Available at: http://euobserver.com/7/115991; on the EMHRN report and public launch see http://www.euromedrights.org/en/publications-en/emhrn-publications/emhrn-puplications/9132.html.

49. Bouwen and McCown, op. cit. in note 44.

50. Interviews with EU officials and policy-makers, Brussels, February-October 2011.

Provision of information

By providing data, figures, concrete evidence and details on specific issues, NSAs provide EU officials and policy-makers with items of information that can be used in their daily work, e.g. in drafting reports, preparing documents for meetings with the counterparts or issuing declarations and resolutions.[51] Although information is never neutral and it is used instrumentally in the conflict, many EU officials and policy-makers consider these pieces of information as an added-value to their work. Some of them even contact NSAs when they need certain types of information.[52]

NSAs from Israel/Palestine, especially NGOs, have first-hand information that points to the problems on the ground and highlights aspects that other organisations or EU staff would find it difficult to discern. For instance, the work done by NGOs on settlements is very important, as they have a good understanding of the situation on the ground and offer updated data on Israeli settlements in the OPTs.[53] In this regard, the Israeli NGO Peace Now draws detailed maps of the settlements and offers updates about new developments or specific cases, information that other actors and even international organisations might have difficulty in collecting. Another instance of the NGOs' provision of information is offered by the database *Who Profits?*, run by the Coalition of Women for Peace, in which business groups involved in Israeli occupation policies are listed. The database is complemented by detailed case studies of the activities of some of the listed business groups that are published on the website and electronically circulated. This offers EU officials and policy-makers a picture of the involvement of the private sector in the OPTs and can be used as a basis to develop policies or initiatives to tackle this problem. NGOs have also been very vocal with regard to the 'NGO bills'[54] discussed in the Israeli Knesset. By meeting with the EEAS and providing detailed information with regard to the consequences of this bill for NGOs on the ground and external donors such as the EU, they supported the work of the EU when it addressed its concerns to the Israeli government on this matter.

51. Interviews with EU officials and policy-makers, Brussels, February-October 2011.

52. Interviews with EU officials and policy-makers, Brussels, February-October 2011.

53. Interviews with EU officials, Brussels, February-October 2011.

54. The 'NGO bill' aims at imposing specific requirements and limitations on those NGOs receiving money from foreign governments and international institutions. In contrast, NGOs being funded via foreign private money are not subject to this regulation. This has been considered as a discriminatory measure as it limits the freedom of the former NGOs.

Raising awareness

Linked to the provision of information, NSAs also perform an important role in raising EU officials' and policy-makers' awareness of specific problems or issues. For example, the Israeli NGO Mossawa Center works to improve the status of the Arab minority in Israel and combat discrimination. Among several advocacy activities targeting the EU, it has also organised events in cooperation with MEPs to draw EU attention to the diverse issues affecting the Arab citizens of Israel or the role they (might) play in the peace process.[55] Similarly, the public launch of the EMHRN's report on the EU and the Palestinian minority in Israel provided an incentive to deal with this issue in the EU-Israeli Association Council Conclusions of February 2011. Although this point was already present on the EU's agenda, the report contributed to further focusing attention on and raising awareness of the issue.[56]

Besides targeting EU officials and policy-makers, some NSAs try to increase awareness of certain issues among public opinion and gain popular support. This strategy[57] is often used by solidarity/protest movements: through public campaigns they try to attract public interest and exert pressure on politicians for policy changes on the basis of public support. While campaigns usually take place at the national level, some are worldwide in scope, such as the Boycott, Divestment and Sanctions (BDS) movement campaign.[58] Based on the three concepts of boycott, divestment and sanctions, the BDS campaign targets individuals, business groups and states (or international/supranational organisations) respectively and calls for the implementation of these measures until Israel withdraws from the OPTs, recognises the full equality of Arab-Israeli citizens and respects, protects and promotes the rights of the Palestinian refugees according to UN resolution 194. For example, BDS supporters campaign in front of supermarkets in order to inform and convince people not to buy

55. For example, in April 2008 the Mossawa Center and MEP Luisa Morgantini organised an event entitled 'The Palestinian Arab Citizens of Israel and the Arab-Israeli Conflict: Building Peace or Complicating the Conflict?'. See: http://www.mossawacenter.org.

56. EMHRN, *EU and the Palestinian Arab Minority in Israel*. Brussels/Copenhagen, February 2011; Interview with EU official, Brussels, February 2011.

57. This is voice strategy, often in the form of 'protest politics'. See earlier section on the lobbying/advocacy strategies.

58. The BDS movement was born in 2005 following a call by Palestinian civil society organisations. It rapidly spread out and now there are branches in many EU countries.(e.g. the UK, France, Italy). See also: www.bdsmovement.net.

the goods coming from the settlements. In other cases, they target specific business groups involved in the settlements such as Veolia and Alstom for their involvement in the tramway between Jerusalem and Tel Aviv. While actions normally take place at the national level, they are coordinated at the EU level in order to have a broader impact and exert pressure through public support.

Setting the agenda

In addition to providing information and raising awareness, sometimes NSAs take part in the policy-making process by influencing the agenda-setting stage. This means that issues of interest and concern to NSAs are placed on the agenda of one of the EU's institutions, and therefore discussed. An example of this is offered by the NGO Friends of the Earth (FoE) Middle East, which managed to obtain a resolution by the EP on the situation of the Lower Jordan River.[59] In 2009 the S&D (Socialists & Democrats, one of the parties in the EP) organised a mission to Israel and the West Bank and got in touch with this NGO. Following the establishment of these initial contacts, in November 2009 the staff of FoE Middle East travelled to Brussels in order to discuss with MEPs the problems connected to the Lower Jordan River, a topic on which this NGO was working. This visit was followed by an S&D seminar on 'Jordan River: Rehabilitation and Trust-Building' held in June 2010 in Brussels with the participation of the FoE Middle East co-directors and MEPs from various political groups. The FoE Middle East explained to MEPs that the river would run dry by the end of 2011 if no action was forthcoming. By providing them with information about this issue and by underlining the fact that the FoE Middle East was an Israeli-Palestinian-Jordanian NGO, they encouraged the EP to take action. The EP issued a resolution on the Lower Jordan River area, an important tool for the FoE Middle East, as they could use it, together with Resolution 378 of November 2007 by the US Congress, to lobby their own governments and ask them to protect the area.[60]

59. 'European Parliament Resolution of 9 September 2010 on the Situation of the Jordan River with Special Regard to the Lower Jordan River Area', 9 September 2010. Available at: http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0314&format=XML&language=EN.

60. Interview with EU official, March 2011. See also http://foeme.org/www/?module=projects&record_id=121. The FoE Middle East has been working on this issue and has continued to carry out advocacy activities in order to push the governments of the region to take action to protect the area. In 2011 the FoE Middle East received funding for the project *All across the Jordan: Trans-boundary Master Planning of the Lower Jordan River Basin* which aims at laying the groundwork for effective transboundary water governance for integrated water resource management. See also: http://www.swim-sm.eu/index.php?option=com_content&view=article&id=20&Itemid=14&lang=en.

Framing issues

NSAs also contribute to the process of issue framing, i.e. the way in which issues are defined and perceived, in order to shape the way in which policy-makers and officials act.[61] NSAs propose their frameworks of analysis and offer EU officials and policy-makers different lenses to look at them in different ways. Some rely on the access strategies, others engage officials and policy-makers in workshops and debates related to the EU's policies towards Israel and the OPTs, and others present their frameworks through public reports and the media.

An example of policy framing by NSAs concerns the way in which the Ramallah-based NGO MATTIN Group and Aprodev have framed the problem of settlement goods. Instead of calling for the boycott of or imposition of sanctions on settlement products, they have focused on the 'territorial scope' of the EU-Israel Association Agreement, which regulates EU-Israeli trade. Goods traded between Israel and the EU are entitled to preferential treatment, i.e., they are exempted from customs duties. In accordance with international law, the EU does not consider the Occupied Territories as falling within Israel's territorial scope. However, due to its different interpretation of what is meant by the 'State of Israel', Israel considers the settlements in the West Bank as *de facto* part of its territory and as such eligible for preferential treatment. By framing the problem in terms of EU and international law, the MATTIN Group and Aprodev maintained that, by allowing settlements goods to benefit from preferential treatment, the EU was accepting Israeli illegal application of the Agreement and, as a consequence, it was violating its own law, as EU institutions and Member States have legal obligations of abiding by international law, international humanitarian law, and international human rights, which also implies that the EU should not aid or assist any third party to violate them. By shifting from Israeli violations in the OPTs to the EU's violations of its own law, an issue of extreme relevance to the EU and its institutions, the MATTIN Group/Aprodev's objective was to

61. While policy framing and agenda-setting are often linked in policy analysis, they are two distinct aspects. Framing relates to 'the process of selecting, emphasizing and organizing aspects of complex issues according to an overriding evaluative or analytical criterion' (Falk Daviter, 'Policy Framing in the European Union', *Journal of European Public Policy*, vol. 14, no. 4, 2007, pp. 654-66). Agenda-setting is the process through which issues are placed on the (political) agenda and therefore receive attention from policy-makers or from a polity in general (cf. Sebastiaan Princen, *Agenda-Setting in the European Union*, Basingstoke: Palgrave MacMillan, 2009). Framing and agenda-setting are often linked, as the way in which issues are framed can be a factor contributing to placing them on the agenda.

induce the EU to act in compliance with international humanitarian law, i.e. the EU should not support, condone or neglect international humanitarian law violations on the ground in the context of its bilateral relationship with Israel. The framework based on the 'territorial scope' of agreements is slowly becoming part of the EU and Member States' approach to analysing other agreements with Israel. As shown in the Conclusions of the EU-Israel Association Council in February 2011, '[t]he elaboration of an operational cooperation agreement between Israel and Europol has also advanced. The first comprehensive draft was submitted to Israel for consideration in December 2010. The necessary provisions are made for the correct territorial application of this and other instruments'.[62]

Framing activities can also be done in a more public way, as think tanks usually do. An example is offered by the Israeli-European Policy Network (IEPN), which was established in 2003 and has been working under the coordination of European and Israeli scholars and practitioners. By gathering researchers and experts who develop and investigate issues related to the EU-Israel relationship, the IEPN provides a structured forum where permanent links between the EU and Israel can be maintained. Its policy-oriented work generates not only a structure for dialogue and connection, but it also contributes to shaping the debate in the long term. In addition to numerous working papers and policy proposals, the IEPN also organises conferences and workshops to promote discussion, foster debate and provide insights into possible solutions and options for further developments in EU-Israel relations. For example, at the beginning of November 2011 the IEPN organised a conference on the UN recognition of the Palestinian state, an occasion for experts, scholars and decision-makers to discuss the implications of this issue for EU foreign policy.[63]

Changing policies

As mentioned earlier in this chapter, some NSAs try to influence EU external policies at later stages in the policy-making process through litigation strategies, i.e., legal proceedings aimed at forcing policy change. This is the case of Brita GmbH, a German water filtration company importing into the EU water-carbonating machines/drink-makers for sparkling wa-

62. See: http://ec.europa.eu/delegations/israel/press_corner/all_news/news/2011/20110222_01_en.htm.
63. See also: http://www.iepn.org.

ter and syrups produced by Soda Club. The issue of contention refers to settlement goods, as in 2002 Brita GmbH asked for preferential treatment for goods it had imported from Israel. While the Hauptzollamt (Customs office) Hamburg-Hafen provisionally accepted Brita's application and granted the exemption from customs duties, it also started a verification procedure to identify the exact origin of the products, which, in the Hauptzollamt's view, was not clear. Since Israeli authorities did not reply to this request, the Hauptzollamt withdrew the preferential treatment that had previously been granted to the goods imported by Brita GmbH due to the impossibility of establishing with certainty if the imported goods were produced under an area covered by the EU-Israel Association Agreement. It also sought post-clearance recovery of customs duties following the Notice to Importers issued by the Commission in 2001. As a consequence, Brita GmbH appealed to the decision to the Finanzgericht, which referred the case to the European Court of Justice (ECJ). The aim was to reverse the decision of the customs authorities, which would have also created a precedent and modified the EU's policy with regard to the settlements and the territorial scope of the EU-Israeli Association Agreement. Although the ECJ eventually decided that the goods were not entitled to preferential treatment, this case shows how litigation is used by NSAs to influence EU policy by setting precedents that establish certain legal principles or interpretations of EU law, and that can be used in subsequent cases.

This section has presented some examples of the role played by NSAs in EU foreign policy towards the Israeli-Palestinian conflict. The aim has been to show some general trends and to highlight how NSAs try to influence the EU. These attempts occur along the entire policy cycle, with NSAs carrying out different activities and implementing different advocacy and lobbying strategies, such as access, voice and litigation. NSAs intervene in the policy-making process by providing information, which EU officials and policy-makers can use in their work. They also draw the attention of EU officials and policy-makers to specific issues. Similarly, they try to frame problems through a certain perspective in order to promote their views and interests and place issues of their interest on the EU's agenda. While this distinction into the different phases of the policy-making process is useful from an analytical perspective, it has to be underlined that these stages are not so clear-cut in practice and NSAs tend to work along the entire cycle.

Conclusion

This paper has explored the role played by NSAs in EU policies towards the Israeli-Palestinian conflict. In contrast with the widespread idea that EU external relations are an 'off-limits' area for NSAs, the paper has shown that they are part and parcel of the EU's external policy-making process: not only are they involved in the implementation of policies, but they are extremely active on the input side as well through lobbying and advocacy activities.

Starting with a mapping and typology of the NSAs relevant to this study, the paper has offered a lens of analysis to look at the diverse and heterogeneous landscape of NSAs and to highlight some trends in NSAs' activities. NGOs are the most numerous and active NSAs, working on a wide variety of topics and issues, while business groups generally intervene in the policy-making process only when their interests are clearly at stake. Usually their lobbying is of a technical nature and focused on sectoral issues such as commercial agreements. As for solidarity/protest movements, they are mainly active at the national level due to the nature of their activities, which are based on the mobilisation of the public and on public pressure on governments.

The majority of NSAs are based in the EU, although only 28 percent of them has an office or a full-time employee based in Brussels. Being in Brussels is often an advantage, as it makes it easier to carry out lobbying and advocacy activities targeting the EU, to be informed about what is happening in the EU, and to collect information about EU policies. To overcome the obstacle of their geographical location and to increase their outreach capacity, some NSAs, especially NGOs, have created networks or umbrella organisations in Brussels, which represent the interests of their members at the EU level. Moreover, many NGOs have developed different forms of cooperation and tend to coordinate their work as much as possible in order to use their expertise and their resources in the most efficient way. Even if they are not in Brussels, the use of the internet has also made it possible for many NSAs to be visible and to communicate their activities and their results to a broad audience either via their website or by emails/mailing lists.

NSAs use three general approaches in their lobbying and advocacy work, namely access, voice and litigation. *Access* approaches rely on inside lobbying based on the exchange of relevant information outside of the public context. In contrast, *voice* strategies take place in the public sphere, so that the interaction between the NSAs and EU officials is visible. Finally, *litigation* approaches make use of legal means to try to bring about policy changes. Most NSAs tend to use different strategies at the same time as a way to increase their chances of success.

Finally, the paper has offered some examples of the role that NSAs play in EU policy-making towards the Israeli-Palestinian conflict. A key activity, which has been positively highlighted in many interviews with EU officials and policy-makers, is the provision of information. Due to the relatively small number of staff working on the Israeli-Palestinian question inside the EU and to the complexity of the conflict, external sources of information are important in the policy-making process. As information is not neutral, especially as it is part and parcel of the conflict, officials usually double-check it. Nevertheless, these pieces of information often provide the EU with data and figures that it would be difficult to obtain otherwise and with an insight into what NSAs perceive as issues of concern.

NSAs also regularly engage in activities aimed at raising the awareness of both the EU and public opinion concerning certain issues. On the one hand, this activity can be targeted at policy-makers directly by pointing out specific aspects and offering detailed accounts of certain issues in order to shift the EU's attention towards them, such as the issue of the Arab minority in Israel or that of the business groups involved in the OPTs. On the other hand, solidarity/protest movements try to draw public attention to specific issues by relying on campaigns to create public pressure on their governments.

Evidence of NSAs' involvement in terms of agenda-setting and framing activities has also been provided. While the two activities are often linked, the former consists in the ability of NSAs to place an issue that is of importance to them on the EU's agenda, while the latter refers to the way in which issues and problems are perceived and analysed. In this regard, both the examples of the MATTIN Group/Aprodev on the legal framing of the issue of the settlement goods and of the Friends of the Earth Middle East on the problem of the Jordan River are illustrative. Finally, some NSAs

work at later stages of the policy cycle (mainly through litigation strategies), to bring about changes in EU policies, as the case of Brita GmbH on the preferential treatment for goods coming from the settlements shows.

In conclusion, even though NSAs are certainly not the only or the main element that determines the EU's conduct, they are an important factor in the shaping and making of EU policies towards the Israeli-Palestinian conflict. Knowing who they are and how they work increases our understanding of the EU's policy-making process.

Annex

Abbreviations

ACAA	Agreement on Conformity Assessment and Acceptance of Industrial Products
BDS	Boycott, Divestment and Sanctions
CIDSE	Coopération Internationale pour le Développement et la Solidarité (*International Cooperation for Development and Solidarity*)
CSO	Civil Society Organisation
DG RELEX	Directorate General for External Relations
ECCP	European Coordination of Committees and Associations for Palestine
ECJ	European Court of Justice
EEAS	European External Action Service
EFD	Europe of Freedom and Democracy Group
EIDHR	European Instrument for Democracy and Human Rights
EMHRN	Euro-Mediterranean Human Rights Network
EMP	Euro-Mediterranean Partnership
ENP	European Neighbourhood Policy
EP	European Parliament
FIDH	Fédération internationale des ligues des droits de l'Homme (*International Federation for Human Rights*)
FoE	Friends of the Earth
GUE/NGL	European United Left/Nordic Green Left
HoM	Heads of Mission
IEPN	Israeli-European Policy Network
MEP	Member of the European Parliament
MEPP	Middle East Peace Process
NGO	Non-Governmental Organisation
NSA	Non-State Actor
OPTs	Occupied Palestinian Territories
PA	Palestinian Authority
PLO	Palestinian Liberation Organisation
UfM	Union for the Mediterranean
UN	United Nations

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ISBN 978-92-9198-212-7
ISSN 1608-5000
QN-AB-12-099-EN-C
doi:10.2815/30999
published by the European Union Institute for Security Studies
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